

The opinion in support of the decision being entered today was *not* written for publication and is *not* binding precedent of the Board.

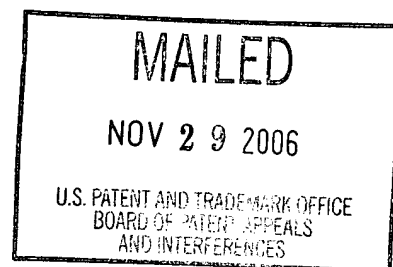
UNITED STATES PATENT AND TRADEMARK OFFICE

**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Ex parte Ali Alavi, Gunther L. Brenes, Luis A. Dector,
L. Douglas Everhart, Arturo Oliver, and Ramkumar Ramachandran

Appeal No. 2006-3184
Application No. 10/726,624

HEARD: Nov. 16, 2006



Before MARTIN, JERRY SMITH, and BARRY, *Administrative Patent Judges*.

BARRY, *Administrative Patent Judge*.

A patent examiner rejected claims 1-20. The appellants appeal therefrom under 35 U.S.C. § 134(a). We reverse.

I. BACKGROUND

The invention at issue on appeal concerns user interfaces to the World Wide Web. Users employ such Web interfaces to perform tasks such as query submission and report navigation. (Spec. at 1.) ActiveX and JAVA controls have been used to regulate existing user interfaces. Applications are downloaded onto a client device and run within its browser. The device makes http calls back to a Web server to get additional data. (*Id.* at 2.)

Despite the functionality provided by ActiveX and JAVA interfaces, the appellants have encountered difficulties with the interfaces. Impeded by security at client devices, installation of such user interfaces on client devices has proven difficult. The functionality of ActiveX and JAVA consumes a great deal of the memory of client devices. Furthermore, transmission of large sets of data often consumes excessive bandwidth. (*Id.*)

Accordingly, the appellants' invention provides a user interface to a business information system. A first set of Hypertext Markup Language ("HTML") interface tools (i.e., spreadsheet tools, graphing tools, auto-prompt tools, and report generation and management tools) is located on a business intelligence server. A second set of HTML interface tools (i.e., navigation tools and "internationalization" tools) is located on a Web server. (*Id.* at 22.) The appellants assert that the use of HTML tools residing on the Web server and the business intelligence server eliminates many of the difficulties associated with Java and ActiveX tools on client devices and improves the functionality of the HTML tools. (*Id.* at 17.)

A further understanding of the invention can be achieved by reading the following claim.

1. A web interface system for use with a business information system, the web interface system providing an interface to a client computer and comprising:

a first set of HTML interface tools located on a business intelligence server, the first set of HTML interface tools including spreadsheet tools, graphing tools, auto-prompt tools, and report management tools;

second set of HTML interface tools located on a web server, the second set of HTML interface tools including navigation tools and internationalization tools; and

means for providing communication between the business intelligence server, the web server, and the client computer, such that the client computer is able to utilize the first set of HTML interface tools and the second set of HTML interface tools.

Claims 1-20 stand rejected under 35 U.S.C. § 103(a) as obvious over U.S. Patent No. 6,668,253 ("Thompson ") and U.S. Patent No. 6,748,569 ("Brooke").

II. OPINION

"Rather than reiterate the positions of the examiner or the appellants *in toto*, we focus on a point of contention therebetween." *Ex parte SieneI*, No. 2005-2429, 2006 WL 1665423, at *1 (B.P.A.I. 2006). The examiner makes the following assertions.

Thompson et al., (i.e. web server) (Fig. 1, item 106) and ("The web server 106 that EIM integrates is preferably Microsoft's Internet Information Server (IIS) version 4.0 running on Windows NT 4.0. Col. 30,

lines 59 - col. 31 line 4 and col. 60 [sic], lines 61-67) Clearly teaches EIM is located on a web server. "The ASP pages generate the DHTML necessary for the EIM application." And "These HTML pages, static in nature, are accessible through the EIM system and allow an enterprise to distribute their financial statements and other financial reports electronically" clearly teaches HTML interface tools are located on a web server.

(Examiner's Answer at 13-14.) The appellants argue, "The cited lines merely state that the reference requires a web server." (Reply Br. at 5.)

"In addressing the point of contention, the Board conducts a two-step analysis. First, we construe the independent claims at issue to determine their scope. Second, we determine whether the construed claims would have been obvious." *Ex Parte Cuomo*, No. 2003-0509, 2004 WL 4978831, at *2 (B.P.A.I. 2004).

A. CLAIM CONSTRUCTION

"Analysis begins with a key legal question — what is the invention claimed?" *Panduit Corp. v. Dennison Mfg. Co.*, 810 F.2d 1561, 1567, 1 USPQ2d 1593, 1597 (Fed. Cir. 1987). Here, claim 1 recites in pertinent part the following limitations: "second set of HTML interface tools located on a web server, the second set of HTML interface tools including navigation tools and internationalization tools. . . ." Claim 14 includes similar limitations. In other words, the independent claims require navigation tools located on a web server.

B. OBVIOUSNESS DETERMINATION

"Having determined what subject matter is being claimed, the next inquiry is whether the subject matter would have been obvious." *Ex Parte Massingill*, No. 2003-0506, 2004 WL 1646421, at *3 (Bd.Pat.App & Int. 2004). "In rejecting claims under 35 U.S.C. Section 103, the examiner bears the initial burden of presenting a *prima facie* case of obviousness." *In re Rijckaert*, 9 F.3d 1531, 1532, 28 USPQ2d 1955, 1956 (Fed. Cir. 1993) (citing *In re Oetiker*, 977 F.2d 1443, 1445, 24 USPQ2d 1443, 1444 (Fed. Cir. 1992)). "A *prima facie* case of obviousness is established when the teachings from the prior art itself would appear to have suggested the claimed subject matter to a person of ordinary skill in the art." *In re Bell*, 991 F.2d 781, 783, 26 USPQ2d 1529, 1531 (Fed. Cir. 1993) (quoting *In re Rinehart*, 531 F.2d 1048, 1051, 189 USPQ 143, 147 (CCPA 1976)).

Here, Thompson's invention "relates to enterprise information management ("EIM"). . . ." (Col. 1, ll. 13-14.) More specifically, "[t]his invention, EIM, provides a web-based information solution that serves the business monitoring, reporting, and analysis needs of automobile dealerships and enterprises." (Col. 6, l. 66 – col. 7, l. 1.) "FIG. 1 depicts an overview of the EIM architecture 100 according to embodiments of this invention. As shown in FIG. 1, client workstations 102-1,

. . . 102-4 connect to a Data Warehouse server 104 via a web server 106." (Col. 7, ll. 56-59.)

"Every user is typically required to provide a valid userid and password that is known to EIM. Once this userid has been authenticated by EIM, a new browser window is opened in kiosk or full screen mode. . . . The new browser window presents the user with an interface. . . ." (Col. 7, l. 64 – col. 8, l. 3.) "FIG. 2 shows the structure of the EIM user interface ('UI') layout. . . ." (Col. 6, ll. 23-24.) "The majority of the left side of the EIM UI consists of the task list. The user's task selection items are preferably listed in a group/subgroup, expandable format. This region is scaleable and a scroll bar is preferably shown if the number of tasks dictates it." (Col. 8, ll. 15-19.) "The lower left of the screen contains all of the buttons/controls that launch user assistance components." (*Id.* at ll. 20-22.)

Although the expandable list, scroll bar, and buttons/controls constitute navigation tools, we are unpersuaded that these tools are located on the reference's web server 106. To the contrary, by discussing its "EIM application," (col. 30, l. 44), under the heading and subheading "Software Location" and "Client," respectively, (*id.* at ll. 42-43), Thompson implies that the EIM's navigation tools are located on the client workstations rather than on the web server. The reference's explanations that "[t]he

[EIM] application functionality is delivered through the PC's web browser," (*id.* at ll. 46-47), and that "EIM's present embodiments operate on browsers with support for ActiveX controls and Visual Basic Scripting," (*id.* at ll. 49-51), support this implication.

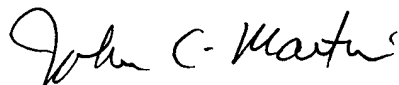
Furthermore, the examiner does not allege, let alone show, that the addition of Brooke cures the aforementioned deficiency of Thompson. Absent a teaching or suggestion of navigation tools located on a web server, we are unpersuaded of a *prima facie* case of obviousness. Therefore, we reverse the obviousness rejection of claims 1 and 14 and of claims 2-13 and 15-20, which depend therefrom.

In closing, we note the appellants' "request[] that the Board of Patent Appeals and Interferences . . . withdraw the rejections of record, and allow the pending claims." (Reply Br. at 2.) In an *ex parte* appeal, however, the Board "is basically a board of review — we review . . . rejections made by patent examiners." *Ex parte Gambogi*, 62 USPQ2d 1209, 1211 (B.P.A.I. 2001). We lack authority to withdraw an examiner's rejection and to allow claims.

III. CONCLUSION

In summary, the rejection of claims 1-20 under § 103(a) is reversed.

REVERSED



JOHN C. MARTIN
Administrative Patent Judge



JERRY SMITH
Administrative Patent Judge



LANCE LEONARD BARRY
Administrative Patent Judge

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